

Coburn Amendment ~~XXXX~~1356—Requiring a Joint Resolution of Congress to Approve the Southern Border Security Strategy and Southern Border Fencing Plan Before the Registered Provisional Immigrant process can begin.

Summary: In the current bill, the trigger to begin the processing of Registered Provisional Immigrants (RPI) applications is DHS’s submission of the “Comprehensive Southern Border Security Strategy” and the “Southern Border Fencing Strategy” to Congress.

This amendment would slightly alter the trigger by including a joint-resolution by Congress to approve both plans once DHS submits them.

The purpose of including a Congressional vote of approval is to build in accountability for DHS to do what the bill requires.

It would also require a GAO report to review the strategies, which Congress could rely on in deciding how to vote.

To ensure the vote happens in a timely manner, the amendment includes expedited procedures for both the House and the Senate.

The amendment will also require DHS to report to Congress on whether they are in compliance with existing immigration law.

The purpose of the amendment is to allow Congress to do real oversight—to ensure that DHS has developed strong plans for securing the border and deploying fencing before beginning RPI processing.

The trigger to begin the RPI process in S. 744 is weak, simply requiring DHS to submit a plan.

To trigger the RPI process in S. 744, DHS is required simply to develop border security strategies it should already have on the books.

However, there is often a big difference between *plans* and *outcomes*.

Moreover, plans can change – and nothing in the bill would stop an administration from submitting a plan it had no intention of enforcing.

This amendment would not even go so far as move the trigger after border security is *achieved* – it simply requires congressional approval of the plan that triggers the RPI process.

Why is it that we do not have a plan today for securing our southern border and deploying the fencing that we know can help keep trespassers out?

Over the past 25 years, we have spent hundreds of billions of dollars on border security initiatives.

The evidence of these efforts is that plans have been submitted and then changed – but we still don't have a sufficiently secure border.

For example, we have passed bills like the Secure Fence Act, which requires 700 miles of fencing to be built.

To date, we have only 36 miles of double-tier fencing, 316 miles of single-tier fencing and 299 miles of vehicle barriers that anyone can easily cross.¹

Plans were also submitted to launch the Secure Border Initiative in 2005 – a multibillion effort to use technology protect the border.²

After nearly \$1 billion was spent on SBI-Net, the program was cancelled with nothing to show for it.³

Yet we know that the border is not secure. And we know that DHS is not effectively enforcing our nation's immigration laws.

¹ <http://www.washingtontimes.com/news/2013/jun/18/senate-rejects-border-fence/>

² <http://www.gao.gov/assets/320/318871.pdf>

³ <http://www.cnn.com/2011/US/01/14/border.virtual.fence/index.html>

If we have learned anything from these experiences, it is that plans made by DHS do not necessarily lead to border security.

All this amendment would do is require congressional approval of the next round of plans so that we provide some accountability to DHS, and hopefully avoid these same problems.

DHS should already have border security plans in place before *this bill* is voted on.

We should be very concerned that DHS does not currently have a “Comprehensive Southern Border Security Strategy” or a “Southern Border Fencing Strategy” that we can review and discuss as we vote on this bill.

In two recent letters⁴, and in a conversation with Secretary Napolitano, I have asked for her to show me DHS’s metrics for evaluation border security and a plan for securing the southern border.

I have asked for specifics—how much fencing will be deployed, how will resources and manpower be allocated, what surveillance technologies will be used—sector-by-sector.

Yet DHS has failed to provide my office with such a plan.

Since DHS does not have a plan today—after we have provided them with tens of billions for border security and immigration enforcement year after year—should the American people have confidence that the plans DHS must create under this bill will be strong and finally secure our border?

⁴ The letters are enclosed. The May 24, 2013 letter asked for a series of metrics and reports about immigration and border security. Importantly, DHS still has not provided the Congressionally-mandated Quarterly Border Security Status Report which was due to Congress on February 15, 2012. DHS responded with some metrics information, but told us that the Quarterly report (for all four quarters of 2012) would be ready in July.

In your second letter dated June 13, 2013, you asked for the quarterly report and for the “plan” that Sec. Napolitano promised to give you. In that letter, you asked for sector-by-sector specifics. We have not heard back from them yet.

I for one do not have that absolute confidence in DHS.

Congress should conduct oversight and carefully review DHS's border security and border fencing strategies and plans.

This amendment would require DHS to submit both the “Comprehensive Southern Border Security Strategy” and “Southern Border Fencing Strategy” to Congress GAO for review.

It requires GAO to conduct a review and write a report within 90 days.

It also requires DHS to publish the plans on their website so that the American people—and the best experts in our nation—can review and provide feedback on the plan.

The amendment suggests that Congress should hold necessary hearings to evaluate both strategies.

If this passes, I would urge the Homeland Security and Governmental Affairs Committee, on which I am ranking member, to hold several hearings to look at the border security and border fencing strategies, sector-by-sector.

At these hearings, we could invite experts and the people who work on the front lines from the Border Patrol for their input about whether this is the right approach to securing our Southern border.

Through that process of oversight and debate, the Congress could determine whether these plans will in fact secure our border.

If DHS's plans earn the confidence of Congress, and Congress votes to approve them, the Registered Provisional Immigrant processing can begin.

And if Congress does not approve of the plan, DHS will be sent back to the drawing board.

This is nothing more than a simple accountability measure to help ensure DHS produces a reasonable and workable plan.

Through either outcome, the American people will have greater confidence that when RPI processing were to begin—the federal government will at least have plans in place to secure the Southern border once and for all.

This amendment would not fundamentally change the bill, which requires only a plan to begin the RPI process.

Many, including me, would prefer to put border security *before* legalization.

A trigger like the one Sen. Grassley proposed – to secure the Southern border before any RPI processing begins – is far better policy.

However, those amendments have failed until now to gain sufficient votes to pass.

This amendment would simply strengthen the existing trigger, helping to give the American people confidence that the procedures in the bill are not gamed.

For this to pass both the Senate and the House, we will need to include a strong trigger to ensure the Southern border will in fact be secure once and for all if we take the dramatic step of establish a new pathway to citizenship through the RPI process.

But surely we should be able to agree that Congress should conduct real oversight and take responsibility for reviewing and submitting the plans created by DHS under this bill, before we begin legalizing people.